

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

JUAN MIGUEL NIEVES, )  
Plaintiff, )  
v. ) Civil Action No. 1:19-cv-1333  
RREAL IMAGE, INC., *et al.*, )  
Defendant. )

ORDER

Plaintiff Juan Miguel Nieves filed this suit for unpaid overtime wages on October 19, 2019. On June 2, 2020, default judgment as to liability was entered against Defendant RReal. On August 17, 2020, an Order issued regarding plaintiff's damages and attorney's fees. On November 23, 2020, an Order issued granting plaintiff's motion for summary judgment against Defendant Wilfredo Villareal. The November 23, 2020 Order also remanded the matter back to Magistrate Judge Theresa Carroll Buchanan to determine an appropriate award of attorney's fees and the allocation of liability between the Defendants.

On June 21, 2021, Judge Buchanan filed her Report and Recommendation (the "Report"), recommending that the Defendants be jointly and severally liable for the attorneys' fees and costs already awarded.

Upon consideration of the record and Judge Buchanan's Report, to which no objections have been filed, and having found no clear error,<sup>1</sup>

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<sup>1</sup> See *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (in the absence of any objections to a magistrate's report, the court "need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the

The Court **ADOPTS**, as its own, the findings of fact and recommendations of the United States Magistrate Judge, as set forth in the Report (Dkt. 36).

It is further **ORDERED** that judgment be entered in favor of Plaintiff and against Defendants, jointly and severally, in the amount of \$19,949.75, which consists of: (i) \$3,920 in unpaid overtime wages; (ii) \$3,920 in statutory liquidated damages; and (iii) \$12,109.75 in attorney's fees.

It is further **ORDERED** that the Clerk of the Court is **DIRECTED** to terminate Plaintiff's Motion for an Award of Attorney's Fees and Costs (Dkt. 34).<sup>2</sup>

The Clerk of the Court is directed to enter Rule 58 judgment in favor of Plaintiff and against Defendants, jointly and severally, in the amount of \$19,949.75, which consists of: (i) \$3,920 in unpaid overtime wages; (ii) \$3,920 in statutory liquidated damages; and (iii) \$12,109.75 in attorney's fees.

The Clerk is further directed to provide a copy of this Order to all counsel of record, to Defendant's last known addresses of record, and to place this matter among the ended causes.

Alexandria, Virginia  
September 14, 2021

  
T. S. Ellis, III  
United States District Judge

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recommendation."").

<sup>2</sup> As Judge Buchanan noted in her Report, it is appropriate to treat this motion as a responsive brief. Accordingly, Judge Buchanan recommended terminating the motion administratively.